

Appln. Serial No. 10/903,008
Amendment Dated March 29, 2007
Reply to Office Action Mailed December 29, 2006

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REMARKS

In the Office Action dated January 29, 2007, claims 28-30, 37, 42-43, and 48-49 were rejected under 35 U.S.C. § 102(b) as being anticipated by Orsburn; claims 33-36 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Orsburn in view of Mamer; claims 31-32, 38-39, 42, 45, 50-51, and 54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Orsburn in view of Patton; claims 33-36 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Orsburn in view of Graves; and claims 41 and 53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Orsburn in view of Glovitz.

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SUMMARY OF TELEPHONIC INTERVIEW

On April 26, 2007, a telephonic interview was conducted between the undersigned and Examiner Scott Jarrett. In the telephonic interview, a discussion was made regarding what the Examiner considered to be allowable subject matter. The Examiner indicated that an amendment of claim 28 that incorporated the subject matters of claims 32 and 33 and that included a clause that referred to the subject matter of claims 37-40 in the alternative would overcome the current rejections.

No specific prior art reference or exhibit was discussed in the telephonic interview. No agreement was reached.

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REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

It is respectfully submitted that amended independent claim 28 is not anticipated by Orsburn. Claim 28 now recites a method that determines costs of mis-predicting parts that may be replaced during an onsite repair of a product in response to a repair history, where the costs are computed based on probabilities of over-predicting and under-predicting the parts. A subset of the parts is selected to be sent to the onsite repair in response to the costs.

Orsburn clearly does not disclose computing costs based on *probabilities of over-predicting and under-predicting* the parts. In fact, Orsburn is related to determining optimum stock levels that a supply manager should consider maintaining. Orsburn, p. 178, ¶ 1. As noted by Orsburn, "[a]n optimum balance between stock level and cost is required." *Id.*, ¶ 2. Orsburn desires to maintain a lower-cost inventory profile by not having unnecessary items in the inventory, and to minimize outstanding backorders. *Id.*, p. 172, Fig. 7-1. Nowhere in Orsburn is there any teaching of determining costs of mis-predicting parts that may be replaced during an onsite repair of a product in response to a repair history, where the costs are computed based on probabilities of over-predicting and under-predicting the parts. All Orsburn is concerned with is maintaining an optimum stock level of spares. No consideration is given to probabilities of over-predicting or under-predicting parts for determining costs of mis-predicting the parts that may be replaced during an onsite repair of a product.

Therefore, claim 28 is clearly not anticipated by Orsburn.

Amended independent claim 43 is similarly not anticipated by Orsburn.

Claim 32 has been amended from dependent form to independent form. Claim 32 recites that determining the cost of mis-predicting a subgroup of parts is according to parameters indicating at least: (1) a number of trips that a set of symptoms were reported, the subgroup of parts were sent, and at least one part not in the subgroup of parts was needed to complete the onsite repair; and (2) a number of trips that the set of symptoms were reported, the subgroup of parts were sent, and the subgroup of parts included at least one part that was unnecessary in the onsite repair.

Claim 32 was rejected as being obvious over the asserted combination of Orsburn and Patton. The Office action conceded that Orsburn does not disclose identifying a set of symptoms. 01/29/2007 Office Action at 18. Instead, reliance was made on Patton as disclosing the

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identifying of a set of symptoms. Even if that were true (which Applicant does not concede), it is noted that Patton clearly fails to teach or suggest determining the cost of mis-predicting a subgroup of parts according to the parameters recited in present claim 32. Therefore, since the hypothetical combination of Orsburn and Patton fails to teach or suggest all elements of claim 32, it is respectfully submitted that a *prima facie* case of obviousness cannot be established with respect to claim 32 over Orsburn and Patton.


Claim 45 has been amended from dependent form into independent form. Claim 45 is allowable over Orsburn and Patton for similar reasons as claim 32.

Dependent claims, including newly-added dependent claims 55-61, are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of base claims over Orsburn, it is respectfully submitted that the obviousness rejection of dependent claims over Orsburn and other references have also been overcome.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10007972-1).

Respectfully submitted,

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